

8-20. Monitoring, Testing, Analysis, and Reporting (1200 TN 350 8-20)**1. AUTHORITY.** Pursuant to the Solid Waste Disposal Act (SWDA), including Section 3013:

- a. To make determinations that the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been stored, treated, or disposed of, or the release of any such waste from such facility or site may present a substantial hazard to human health or the environment;
- b. To make determinations and findings regarding monitoring, testing, analysis, and reporting;
- c. To make determinations and findings that: the owner or operator of a facility or site not in operation when a determination that there may be a substantial hazard is made could not reasonably be expected to have actual knowledge of the presence of hazardous waste and its potential for release;
- d. To issue orders to present and past owners and operators of facilities or sites requiring monitoring, testing, analysis, and reporting, carrying out required monitoring, testing, analysis, requiring proposals for and reporting and requiring the carrying out of same in accordance with such proposals and such modifications as deemed reasonable by the Administrator;
- e. To provide the owner or operator an opportunity to confer with EPA respecting a proposal for carrying out required monitoring, testing, analysis or reporting;
- f. To make determinations and findings that: no owner or operator is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Administrator; any such action carried out by an owner or operator is unsatisfactory; or, there is not an owner or operator referred to in Section 3013 (a) or (b) who is able to conduct such monitoring, testing, analysis and reporting;
- g. To conduct monitoring, testing, or analysis (or any combination thereof); to authorize a State or local authority or other person to carry out such activity; and to order reimbursement for the costs of such activity after making the determinations in 1.a., 1.b, 1.c., or 1.f., above; and
- h. To designate representatives of the Administrator to perform the functions to conduct monitoring, testing, or analysis (or any combination thereof) contained in paragraph 1.g.

8-20. Monitoring, Testing, Analysis, and Reporting (continued)**2. TO WHOM DELEGATED.**

- a. The authorities in 1.a. through 1.h. are delegated to the Director, Land, Chemicals and Redevelopment Division (LCRD); Chief, RCRA Corrective Action Branch 1, LCRD; Chief RCRA Corrective Action Branch 2, LCRD; Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Air, RCRA and Toxics Branch, ECAD.
- b. The authorities in 1.g. are delegated to the staff in LCRD and ECAD.

3. LIMITATIONS.

- a. The delegates must consult with the Regional Counsel before exercising any of the above authorities.
- b. The delegates shall notify the Director, Laboratory Services and Applied Sciences Division (LSASD), whenever persons (such as contractors) are authorized to conduct monitoring, testing or analysis under 1.g., above.
- c. The Director, Water Division (WD) may only exercise these authorities to carry out studies under Section 3018(c) of the SWDA.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the section chief level, and no further, except that the authority in 1.g. to conduct monitoring, testing, or analysis (or any combination thereof) may be redelegated to staff.
- b. This authority may not be redelegated without formal amendment.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 3013 of the SWDA.
- b. See also Section 3007 of the SWDA for additional information gathering authority.
- c. EPA Order 3510 "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."

8-20. Monitoring, Testing, Analysis, and Reporting (continued)

6. **SUPERSESSION.** Delegations Manual, SWDA, Regional Delegation 8-20. Monitoring, Testing, Analysis, and Reporting, 1200 TN RIII 350 8-20 (November 30, 2018).

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Cosmo Servidio
Regional Administrator